S.B.Criminal Misc.Petition No.677/2005
(Rajendra Kumar Poddar & Anr. vs. State of Raj. & Anr.)

Date of order : 11.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.Manish Shoshodia, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for State.
Mr.R.K.Soni, for non-petitioner No.2.

Heard learned counsel for the parties.

Learned counsel Mr.R.K.Soni appearing for non-petitioner No.2 submits that the Deputy Director (Law) vide its letter dt. 19.10.2004, has decided to withdraw the complaint case filed against the petitioners arising out of dishonour of cheques bearing No.390098 dt. 29.7.97 for a sum of Rs.13,376/-, 390100 dt. 17.8.97 Rs.13,518/- and 099177 dt. 30.6.97 Rs.10,000/-. He shown me the letter dt. 19.10.2004 issued by Ramji Lal Meena, Deputy Director (Law) directing the Branch Manager of the Employees State Insurance Corporation, Branch Bhilwara to withdraw the case. Learned counsel for non-petitioner No.2 Employees State Insurance Corporation submits that in pursuance to the letter dt. 19.10.2004 issued by Deputy Director (Law), the complaint case filed against the petitioners would be withdrawn before the trial court.

In view of the statement of the counsel for the non-petitioner No.2, the criminal misc. petition is disposed of. Non-petitioner No.2 Employees State Insurance Corporation is permitted to withdraw the complaint filed by it or to compound the offence under section 138 of the Negotiable Instrument Act, 1881 (for short 'the Act' hereinafter) before the trial court as the offence is compoundable under section 147 of the Act. Ad interim stay order dt. 8.7.2005 is vacated. The stay petition also stands disposed of.

(H.R.PANWAR),J.

m.asif/-